

DARBY &  
DARBY  
PROFESSIONAL  
CORPORATION  
INTELLECTUAL PROPERTY LAW



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DEC 07 2001  
TECHNOLOGY CENTER R3700

805 THIRD AVENUE  
NEW YORK, NY 10022-7513  
TEL (212) 527-7700  
FAX (212) 753-6237

November 20, 2001

Reference: 8909/82382

**DECLARATION OF ORLANDO CATALA**

I, Orlando Catala declare that:

1. I am employed by Archer Management Services as a customer service representative.
2. On November 16, 2001, I was so employed and stationed at the offices of Darby & Darby P.C., 805 Third Avenue, New York, New York, 10022.
3. On that date, I accepted 16 express mail packages from the docketing department at Darby & Darby. In accordance with my instructions, I confirmed that the express mail label number for each of the packages appeared on an Express Mail Confirmation form and that the docket clerk providing the package was identified next to the label number. Upon delivering the express mail packages to the local post office, I filled in the location of the post office, the date and time of delivery, and signed the Messenger Certification on the back of the form. A true copy of that Express Mail confirmation form is attached as Exhibit A.
4. This evening, however, the clerk at the express mail window refused to accept thirteen of the packages. I therefore brought the thirteen packages back to the offices of Darby & Darby.

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I further, declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Date:

11/20/01

Orlando Catala

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TECHNOLOGY CENTER 15100

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NEW YORK, NY 10022-7513  
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FAX (212) 753-6237

November 20, 2001

Reference: 8909/82382

**DECLARATION OF GABRIELLA V. KARASZI**

I, Gabriella V. Karaszi declare that:

1. I am employed by Darby & Darby, P.C., 805 Third Avenue, New York, New York 10022 as Docketing Manager.
2. I have been informed by Mr. Gerald Brown, Sr. Site Manager for Archer Management Services that, on the evening of Friday, November 16, 2001 a messenger attempted to deposit several of our Express Mail packages at the United States Post Office and that they were not accepted. Thirteen of the packages were addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231-9998. These were not accepted.
3. On Monday, November 19, 2001, I opened each of the thirteen Express Mail packages to enclose a copy of a United States Postal Service Suspension Notice, copy attached as Exhibit A. I did not add anything else to or remove anything from any of the packages. They have remained in my sole possession up to the time of being sealed for re-mailing to the United States Patent and Trademark Office.
4. Attached as Exhibit B is a true copy of our Express Mail Confirmation form for November 16, 2001, signed by Mr. Orlando Catala. On this form is the Express Mail label number of each Express Mail envelope he took to the post office and the initials of the docket clerk who provided the package. On the back is a Messenger Certification, which appears to have been filled in, dated and signed by Mr. Catala.

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I further, declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Date: November 20, 2001

  
Gabriella V. Karaszi

PATRICK R. DONAHOE  
CHIEF OPERATING OFFICER  
AND EXECUTIVE VICE PRESIDENT



NOV 16 2001

U.S. PATENT &amp; TRADEMARK OFFICE

202 268-5394

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TECHNOLOGY CENTER R3700

November 16, 2001

VICE PRESIDENTS, AREA OPERATIONS  
MANAGER, CAPITAL METRO OPERATIONS

SUBJECT: Temporary Suspension of Express Mail Service to  
Washington, D.C. ZIP Codes 202 through 205

Due to current operating conditions and government security measures, Express Mail products destined for federal government agencies in Washington, D.C. (ZIP Codes 202 through 205), are experiencing significant delays. Therefore, effective immediately Express Mail service to Washington, D.C., ZIP Codes 202 through 205, is temporarily suspended. The sales of this service is to be discontinued at all retail locations, including Contract Postal Units (CPUs). Customers should be advised either to use First-Class Mail for mail destined for these ZIP Codes or wait to send items until this temporary suspension is lifted.

Business customers will be advised of this suspension through the Business Service Network. You will be advised when this suspension is lifted. If you have questions or need additional information, please contact Henry Pankey at (202) 268-5394.

  
Patrick R. Donahoe

cc: Ms. Bizzotto

DARBY  
DARBY

11 - 16 - 0

**EX-PRESS MAIL CONFIRMATION (Please Print)**

- ① Express Mail Label No. EL767719929US From: PAT. BY CATERPILLAR 2001 P  
2. Express Mail Label No. EL767719932US From: PCF  
3. Express Mail Label No. EL767719946US From: Reop  
4. Express Mail Label No. EL767720374-US From: TDS  
5. Express Mail Label No. EL706716433-US From: Reop  
6. Express Mail Label No. EL767720391US From: Reap  
7. Express Mail Label No. EL767720388-US From: TDS AD  
8. Express Mail Label No. EL767720414US From: AD  
9. Express Mail Label No. EL767719552-US From: DP  
10. Express Mail Label No. EL706716416-US From: DP  
11. Express Mail Label No. EL706716420-US From: DP  
12. Express Mail Label No. EL767720405-US From: SUPP TDS BWL  
13. Express Mail Label No. EL767719950US From: PAT DP  
14. Express Mail Label No. EL767720428-US From: compln. BWL  
15. Express Mail Label No. EL767719773US From: DP  
16. Express Mail Label No. EL767720431-US From: IF BWL  
17. Express Mail Label No. \_\_\_\_\_ From: \_\_\_\_\_  
18. Express Mail Label No. \_\_\_\_\_ From: \_\_\_\_\_  
19. Express Mail Label No. \_\_\_\_\_ From: \_\_\_\_\_  
20. Express Mail Label No. \_\_\_\_\_ From: \_\_\_\_\_

**Messenger:** Before completing and signing this form, please be certain that each of the Express Mail Labels is clearly marked by the postal clerk with a "date in" and then attach them to this page.  
**(see other side)**

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Messenger Certification

This certifies that I have hand delivered sealed Express Mail envelopes with the label numbers shown above to the post office identified below and on the date shown. I received each envelope in sealed form from the person identified above.

In the event that it becomes necessary to prove a date of delivery of any of the above envelopes to the United States Patent And Trademark Office (USPTO), I authorize any attorney at Darby & Darby to file any necessary papers in my name or on my behalf. In the event that it becomes necessary to prove the contents of any of the above envelopes, I authorize the person who gave me the envelope to do so in my name or on my behalf.

It may become necessary to submit this paper to the USPTO. Any person signing a paper so submitted is presumed to vouch for the truth of all statements appearing in the paper. If you know any statement above to be untrue, signing this paper may therefore subject you to penalties for committing perjury under the laws of the United States of America.

POST OFFICE LOCATION: 53 rd 3rd fl

Messenger: C. Catlin (Name, print) C. Catlin (Signature)

Date: 11/13/03 Time: 9:00